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In re Application of :
BABIJ, Alex :
U.S. Application No.: 10/018,234 : DECISION ON PETITION
PCT No.: PCT/AU00/00676 : UNDER 37 CFR 1.182
International Filing Date: 16 June 2000 :
Priority Date: 17 June 1999 :
Attorney's Docket No.: 15475 :
For: A SCREW GUIDE :

This decision is issued in response to the petition filed by applicant on 18 June 2003, which requests that applicant's 14 December 2001 submission be treated as a national stage submission for the above captioned international application and not for the international application indicated on the originally filed Transmittal Letter. Applicant has paid the required petition fee.

BACKGROUND

On 16 June 2000, applicant filed international application PCT/AU00/00676 which claimed a priority date of 17 June 1999 and which designated the United States. On 28 December 2000, a copy of the international application was communicated to the United States Patent and Trademark Office ("USPTO") by the International Bureau ("IB").

A Demand was filed with the International Preliminary Examining Authority electing the United States prior to the expiration of 19 months from the priority date. As a result, the deadline for submission of the basic national fee was extended to expire thirty months from the priority date, i.e., 17 December 2001.

On 14 December 2001, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, a copy of international application PCT/AU00/00676, payment of the basic national fee, and an executed declaration in compliance with 37 CFR 1.497. However, the Transmittal Letter submitted by applicants misidentified the international application number as PCT/AU99/00676; the Transmittal Letter otherwise properly identifies the title, international filing date, and priority date for the intended application, PCT/AU00/00676.

Based on the erroneous international application number listed on the Transmittal Letter, the present national stage application file was created for PCT/AU99/000676, rather than for PCT/AU00/00676.

On 05 March 2002, the DO/EO/US mailed a Notification Of Acceptance indicating that the 35 U.S.C. 371 date for the present application was 14 December 2001. However, the Notification Of Acceptance identified the application as a national stage of PCT/AU99/00676, as did the filing receipt mailed on the same date (the filing receipt also listed the priority information and title of PCT/AU99/00676).

On 01 April 2002, applicant filed a "Request For Corrected Filing Receipt" seeking a correction of the international application, priority information, and title listed on the filing receipt.

On 18 June 2003, applicants filed the petition considered herein. This petition was accompanied by a corrected Transmittal Letter identifying the international application as PCT/AU00/00676.

DISCUSSION

In the present petition, applicants confirms that the listing of PCT/AU99/00676 in the original Transmittal Letter was an error, and that it was applicant's intent for the Transmittal Letter to refer to PCT/AU00/00676, the application attached to the original Transmittal Letter and the application referenced in the executed declaration filed with the original application materials. The petition included payment of the \$130 petition fee and a corrected copy of the Transmittal Letter. Accordingly, applicant's petition to correct the Transmittal Letter is granted. This national stage file (10/018,234) is the national stage of PCT/AU00/00676.

Based on the above, the Notification Of Acceptance mailed 05 March 2002 and the corresponding filing receipt (both of which reference PCT/AU99/00676 rather than PCT/AU00/00676), are appropriately vacated.

CONCLUSION

The petition under 37 CFR 1.182 **GRANTED**.

This application is the national stage of PCT/AU00/00676 with a 35 U.S.C. 371 date of 14 December 2001.

The Notification Of Acceptance mailed 05 March 2002 and the corresponding filing receipt are hereby **VACATED** based on their incorrect reference to PCT/AU99/00676.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for processing in accord with this decision, including the issuing of a corrected Notification Of Acceptance and corrected filing receipt which refer to the proper international application number (PCT/AU00/00676), priority information and title.



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